



Questions and Answers Regarding Rule Changes At 44 CFR Part 65

Background

FEMA processes a variety of map revisions through the issuance of Letters of Map Change (LOMC). These letters include Letters of Map Amendment (LOMAs), Letters of Map Revision Based on Fill (LOMR-Fs), and Letters of Map Revision (LOMRs). The rules regarding data requirements and procedures for obtaining LOMR-Fs and LOMRs are outlined in 44 Code of Federal Regulations (CFR) chapter I part 65. On May 4, 2001, those regulations were changed.

Why the Change?

The LOMR-F process prior to the new rule change was confusing and indirectly promulgated unwise development within floodplains. Under the old rules, land within the floodplain could be filled and raised above the Base (1% annual chance) Flood Elevation (BFE) and an application could be filed with FEMA to have the land removed from the floodplain. Once that land was removed from the mapped floodplain, NFIP floodplain management regulations no longer applied; thus, structures could be built at risk with their lowest floors below BFE. The flood hazard mapping rules were changed to discourage this practice, and empower State and local governments to make decisions on how best to assure existing and proposed structures in and near their floodplains are reasonably safe from flooding.

What Does the New Rule Do?

The new rule more closely links the flood hazard identification process (mapping) with existing floodplain management requirements by mandating that minimum floodplain management requirements be met before land (or structures) can be removed from the Special Flood Hazard Area (SFHA).

Who Assures That the Minimum Floodplain Management Requirements Are Met?

FEMA currently requires that an appropriate local official sign a form acknowledging that a map revision request has been made to revise the floodplain, and that all applicable floodplain management requirements have been met. We will use these existing forms as our assurance that the structure(s) or filled area are and will remain reasonably safe from flooding: a long-standing minimum federal floodplain management requirement. The instructions for the forms will be immediately revised to reference the new rule, and we are actively working on revising the forms themselves to more explicitly state the meaning of the local official's signature.

Where Can I Get More Information?

The new rule can be downloaded at: <http://www.fema.gov/pdf/library/lomrad13.pdf>. You can also download Technical Bulletin 10-01 entitled "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding in Accordance with the National Flood Insurance Program," from: <http://www.fema.gov/pdf/fima/tb1001.pdf>. Should you have specific questions about the new rule, you can also email a map specialist at: Map.Specialist@dewberry.com or contact our Map Assistance Center at 1-877-FEMA-MAP (336-2627).